

REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 1-4, 6, 8, 10, 13, 15, 17 and 19 have been amended, and claims 7, 14 and 20 have been cancelled. Therefore, claims 1-6, 8-13 and 15-19 remain in this application and again are presented for the Examiner's consideration in view of the following comments.

In the Official Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to illustrate a tamper-evident indicator disposed between first and second walls, as recited in claim 10 [sic, claim 1?], and failing to illustrate "said ink layer disposed between said first wall and said adhesive layer" as recited in claim 1.

Applicant has amended claim 1 to now require that the tamper-evident indicator include a backing layer joined to the first wall at the open end of the enclosure, and that the ink layer be disposed between the backing layer and the adhesive layer. Applicant submits that such structures are clearly shown in the figures of the present application, including Figs. 3 and 4, such that the drawings are now in full compliance with 37 C.F.R. § 1.83(a). Accordingly, applicant respectfully submits that the objection to the drawings has been overcome.

Claims 1-20 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to provide an enabling disclosure of the claimed subject matter. More particularly, the Examiner has contended that the specification fails to provide an adequate written description of void spaces in the ink layer after the layer of adhesive has been applied over the ink layer.

Applicant has amended the claims herein in order to replace the wording "void spaces" with the wording "spaces devoid of ink". Applicant submits that the specification provides an adequate written description of an ink layer having a plurality of spaces devoid of ink arranged in a selected

pattern. See, for example, paragraph [0030]. In view of these amendments, applicant submits that the claims herein are in full compliance with 35 U.S.C. § 112, first paragraph.

Claims 1-20 have also been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failure to particularly point and distinctly claim the subject matter of the invention. In particular, the Examiner has contended that the "overlying relationship" between the "layer of ink" and the "release material" in claims 1, 8 and 15 has not been defined to warrant the language "regions not overlying said release material".

Applicant has amended claims 1, 8 and 15 to address the Examiner's objections. Applicant submits that, in view of these amendments, all of the claims of the present application fully comply with the requirements of 35 U.S.C. § 112, second paragraph.

Claims 15-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,683,764 to Faykish et al. ("Faykish"). In addition, claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being obvious over Faykish in view of U.S. Patent No. 6,375,069 to Smith ("Smith"). Applicant respectfully traverses this rejection.

As noted above, independent claims 1, 8 and 15 have been amended to recite:

said ink layer including a plurality of spaces devoid of ink arranged in a selected pattern which is out of registry with said predetermined pattern of said release material so as to define regions of varying shape in which said ink overlies said release material and regions of varying shape in which said ink does not overlie said release material.

Support for this limitation can be found at paragraph [0031] of the specification. That is, the spaces devoid of ink in the ink

layer repeat at a different rate than the pattern in which the release material is deposited so that the spaces devoid of ink overlap the deposits of release material by gradually differing amounts. As explained at paragraph [0038] of the specification, this feature makes it difficult for thieves to conceal the opening of the tamper-evident indicator by selectively coloring in the deposits of the release material with an ink marker.

Faykish fails to disclose this limitation of the claims. That is, nowhere does Faykish teach that the release material pattern and the pattern of spaces devoid of ink are out of registry with one another. Even with reference to Fig. 1 of Faykish, it appears that the spacing between the deposits of release material is the same as the spacing between the deposits of ink so that these indicia will overlap by the same amounts. Smith plainly fails to overcome this deficiency of Faykish. Accordingly, applicant submits that independent claims 1, 8 and 15 patentably distinguish over Faykish alone or in combination with Smith such as to warrant their immediate allowance.

Claims 2-6 depend either directly or indirectly from claim 1, claims 9-13 depend either directly or indirectly from claim 8, and claims 16-19 depend directly from claim 15. For at least this reason, applicant submits that these dependent claims distinguish patentably over both Faykish and Smith such as to warrant their immediate allowance, which action is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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